

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

WP(C).No. 23852 of 2006(M)

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AGAINST THE ORDER IN EP 99/2005 IN  
OS.170/2003 of PRINCIPAL SUB COURT, KOCHI

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PETITIONER:

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MARGRET V.PARAKKAL, W/O.SURESH JOSE,  
WORKING AS TEACHER,  
MARYMATHA ENGLISH MEDIUM HIGH SCHOOL,  
THRIKKAKARA.

BY ADV. SRI.MATHEW ABRAHAM

RESPONDENTS:

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LITTLE FLOWER KURIES (PVT) LTD,  
A COMPANY REGISTERED UNDER COMPANIES ACT,  
1956 HAVING ITS REGISTERED OFFICE AT FORT KOCHI.

BY ADV. SRI.JIMMY JOHN VELLANIKARAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 04/07/2007, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

WPC.23852/06

APPENDIX

PETITIONER'S EXTS:

EXT.P1 – TRUE COPY OF EP.99/05 IN O.S.170/03 OF SUB COURT, KOCHI.

EXT.P2 – TRUE COPY OF OBJECTION FILED BY JUDGMENT-DEBTORS IN EXT.P1 E.P.

EXT.P3 – TRUE COPY OF ORDER OF SALARY ATTACHMENT IN EP.151/04 IN OS.54/01 OF MUNSIFF, KOCHI.

/TRUE COPY/

**PIUS C. KURIAKOSE, J.**

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W.P.(C)No.23852 OF 2006  
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DATED THIS THE 4th JULY, 2007

**J U D G M E N T**

The petitioner who is the judgment-debtor in a proceeding for execution initiated by the decree-holder-respondent is aggrieved by the order of attachment of salary at the rate of Rs.4000/- per mensem passed by the execution court.

2. While admitting this Writ Petition, this Court became inclined to grant stay only on condition that the petitioner deposits a sum of Rs.20,000/- within two months from 1.9.2006. The execution court will verify whether the above condition has been complied with by the petitioner. If on verification it is seen that the above condition has been promptly complied with by the petitioner, then the court below will post the case once again for consideration of the petitioner's salary, on the further condition that the petitioner produces her latest salary certificate before the execution court. Once the latest salary certificate is filed by the petitioner, the court below will hear the petitioner as well as the respondent-decree-holder and take a fresh decision regarding the attachable portion of the salary on the basis of the latest salary certificate and will issue fresh orders depending on

the attachable salary as revealed by the salary certificate.

The Writ Petition is disposed of as above.

**(PIUS C.KURIAKOSE, JUDGE)**

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WP(C)N0.23852/06